

Bill donating one league of land each to Dennis Mead, Richard Mead and — Eastland.

Mr. Parsons moved to adjourn until Monday morning, 10 o'clock, upon which the yeas and nays stood thus :

YEAS—Messrs. Dickinson, Fall, Herbert, Hyde, Parsons, Paschal, Rains, Rainey, Scarborough, Sims, Townes, Wallace and Whaley—13.

NAYS—Messrs. Chambers, Erath, Gentry, Grimes, Guinn, Harman, Hart, Martin, Potter, Quinan, Schleicher, Throckmorton and Walker—13.

The President voted nay.

On motion of Mr. Rainey, the Senate adjourned until $\frac{1}{2}$ past 9 o'clock, Monday morning.

MONDAY, January 23rd, 1860.

Senate met pursuant to adjournment. Prayer by the Rev. Mr. Kinney—roll called—quorum present.

The journal of Saturday was read and adopted.

Mr. Potter, chairman of the Judiciary committee, made the following report :

The Judiciary committee have considered the proposition submitted on the bill to create the county of Marion, as to whether under the constitution the Legislature has the power to create a new county a less area of territory, than nine hundred square miles, and a majority of the committee direct me to report that under the provisions of the 34th section of the 7th article of the constitution, new counties may be created "by consent of two thirds of the Legislature."

The Judiciary committee have considered the petition of Jas. Thomas Eldridge, who prays to be released from the disabilities of minority, and a majority of the committee direct me to return the petition to the Senate with the recommendation that the prayer of the petition be not granted. In this, as in other like applications the committee are of the opinion that the proposed legislation is unnecessary, impolitic and unwise.

Mr. Rainey, chairman of the committee on Agriculture, made the following report :

The committee on Agriculture, to whom was referred a bill to incorporate the Washington County Cotton and Woollen Manufacturing Company, have considered the same and regard the enterprize proposed as one of unusual importance, and one that should meet with the unhesitating approval of the Legisla-

ture, as sound policy clearly dictated the propriety of encouraging those institutions which consume the raw material and convert the most important product of the world into fabrics which have become an indispensable necessity to every community in the State.

Present indications unfortunately direct our minds to the painful conclusion, that the time may soon arrive when self dependence will be forced upon the State sovereignties of the union, and in view of the future wants and necessities of the country, it would be well to foster and protect those domestic manufactories which in time of need will supply the country with articles of both public and private necessity thereby securing a consummation, which every one must desire, that of making Texas self poised and self-reliant in the hour of danger. The committee therefore authorize me to report the accompanying substitute to the Senate and recommend its passage.

A message was received from the House, that the house had passed the following bills:

A bill for the relief of K. Bigham White.

A bill for the relief of George W. King, with an amendment.

A bill to incorporate the Lexington Male and Female Academy, and

A bill for the relief of the heirs of Lorenzo de Zavala, and that the House had passed the following resolution :

Resolved, The Senate concurring, the two houses of the Legislature will adjourn *sine die*, on Monday the 6th day of February at 10 o'clock, A. M.

Mr. Shepard, chairman of the committee on State Affairs, made the following reports :

The committee on State Affairs to whom was referred a bill to grant pensions for life to persons therein named have considered the same, and instruct me to report adversely thereto. The persons named in the bill have already been pensioned by the Legislature in such sums as were deemed necessary to keep them from want, and no proof has been adduced before the committee that said amounts are insufficient or inadequate for the purpose. Had your committee any evidence before them, that any of the persons named in the bill were in absolute need of more means for their support, they would most cheerfully recommend the appropriation of an additional sum for the support of such. In the absence of the application on the part of any of the persons named in the bill, and of any proof that they require more.—Your committee instruct me to report the bill back and recommend its rejection.

The committee on State Affairs, to whom was referred a bill to grant a pension for life to all persons who served three months or more in the Texas Revolution, in the years 1835, 1836 and 1837, have had the same under consideration, and instruct me to say that such Legislation at this time is uncalled for by the county and that it would be unwise, impolitic and inexpedient to pass this bill. They therefore direct me to report the bill back to the Senate and recommend that the same be rejected.

Mr. Lott introduced a bill for the relief of Richard Lawrence. Read 1st and 2nd times and referred to the committee on Private Land Claims.

Mr. Britton introduced a bill to authorize the Governor to appoint Commissioners to value property destroyed on the Rio Grande. Read 1st and 2nd times, and referred to the committee on State Affairs.

Mr. Chambers introduced a bill authorizing the corporate authorities of the town of Dangerfield in Titus county, Texas, to Tax Pin Alleys. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Scarborough introduced a bill to incorporate the Brazos St. Iago Harbor and Rio Grande River Land Company. Read 1st and 2nd times and referred to the committee on Internal Improvements.

Mr. Throckmorton introduced a bill to authorize the sale of land scrip, and to appropriate the proceeds of the sale thereof to the purposes of frontier protection. Read 1st time.

Mr. Grimes introduced a bill for the support of the Deaf and Dumb and Blind Asylums. Read 1st time.

Mr. Paschal introduced a bill to incorporate the Hydraulic Company of San Antonio. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Paschal introduced the following joint resolution :

Resolved, by the Legislature of the State of Texas, That our Senators in Congress be instructed and our Representatives be requested to use their efforts to obtain from the Congress of the United States, an act authorizing the Legislature of the State of Texas, to deepen the bars to the ports of entry on the coast of Texas, and to charge tonnage dues on all vessels drawing a greater depth of water than can now pass over said bars. Read 1st time.

On motion of Mr. Paschal, the rule was suspended, bill read 2nd time and made the order for to-morrow the 24th inst.

Mr. Stockdale introduced a joint resolution instructing our Senators and requesting our Representatives to use thier influence

to procure the incorporation of Capt. John G. Tod of the late Navy of Texas, into the Navy of the United States. Read 1st time.

On motion of Mr. Stockdale, the rule was suspended, bill read 2nd time and ordered to be engrossed. Rule further suspended bill read 3rd time and passed.

A message was received that the House had passed the following bills :

A bill for the relief of the heirs of James T. White, dec'd.

A bill to incorporate the San Antonio Gas Company.

A bill to incorporate the Jacksonville and Neches Bridge Company.

A bill to amend the twenty-fourth (24) section of an act passed the 27th of August, 1856, to consolidate in one act and to amend the several acts incorporating the city of Galveston.

A bill for the relief of the heirs of George W. Wilson.

And a bill granting land to the Lavaca Navigation Company.

On motion of Mr. Paschal a bill to define the homestead in a town or city, was taken from the table. Read 3rd time and passed.

Mr. Fall, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed :

A bill to incorporate the San Antonio Female College.

A bill to incorporate the Alamo College.

A bill to authorize the clerks of the district courts of Titus, Travis and San Augustine counties, to apportion the causes on the dockets of said courts.

A bill for the relief of the heirs of Mrs. Ellen M. Gibbs.

A bill for the relief of Edwin B. Settle.

And a bill for the relief of the heirs of Joseph C. Gentry, deceased.

Mr. Schleicher introduced a bill creating the county of——— Read 1st and 2nd times and referred to the committee on Counties and County Boundaries.

Mr. Townes, from the committee on Enrolled Bills, made the following report :

The committee on Enrolled Bills respectfully report, that they have examined the following bills to-wit:

A bill to prevent the sale of vinous, spirituous and other intoxicating liquors within three miles of the town of Starrville in Smith county, and the town of Knoxville in Cherokee county, and have found the same correctly enrolled duly signed, and this day presented to the Governor.

Mr. Stockdale, chairman of the committee on Enrolled Bills, made the following report :

The committee on Enrolled Bills, have examined the following bills, viz :

A bill granting a pension to Joseph E. Field.

A bill for the relief of G. B. Brownrigg.

A bill to amend the 11th section of the act of 7th February, 1853, entitled an act to incorporate the Galveston, Houston and Henderson Railroad Company.

A bill supplemental to an act to ascertain what land certificates have been illegally issued by the county courts of counties in Peter's Colony, and to provide for issuing patents upon such of said certificates as are legal.

A bill granting a pension to John S. Stump.

A bill to incorporate the Factors Press Company.

A bill to authorize the corporation of Corsicana to levy a tax on ten pin alleys within its corporate limits.

A bill to incorporate the Starrville Union Academy.

A bill for the relief of Stephen Kelly.

And a bill to amend the first, fifth, seventh, thirteenth and seventeenth, sections of an act to incorporate the Houston, Trinity and Tyler Railroad Company.

The committee have found said bills correctly enrolled and properly signed and they presented the first three of these bills, to the Governor on Friday last, and the fourth, fifth, sixth, seventh, eighth, ninth and tenth, on this day.

Mr. Wallace, from the committee on the Judiciary, reported a bill to authorize incorporated Colleges within the limits of the State to confer upon law students therein the degree of Bachelor of Law, and recommend its passage.

A bill to authorize citizens of this State to practice law on certain conditions. Read 1st time.

Mr. Rainey, chairman of the committee on Agriculture, made the following reports :

A bill to authorize the formation of county and town Agricultural Societies, which was referred to the committee on Agriculture, has received that attention which its importance deserves, and they with one accord approve the objects sought to be accomplished by said bill tending as it does to secure that advancement in agriculture which its importance demands, and which so signally characterizes all other branches of industry in the county. In the opinion of the committee, Texas possesses not only the most fertile and varied soils, but the most peculiar climate of any State in the Union and hence they believe that a

system differing in some respects from those that prevail elsewhere should be adopted for the development of the agricultural resources of the State societies of this character are formed alone for the protection and advancement of agriculture in all its varied branches. Their efforts in other States have been attended with the most signal and brilliant success, enabling the husbandman to realize handsome profits from the cultivation of the poorest soil, furnishing the produce with labor saving implements which lighten the burthens that toil imposes, and infusing a general prosperity among the laboring classes of the community. Agriculture is not only the most important of all the industrial departments, but decidedly the most important of all the pursuits in life. The material wealth of all producing as contradistinguished from commercial countries, is drawn from the soil and all other pursuits are based upon and depend almost entirely for their success upon agriculture alone. Then the propriety at once suggests itself of encouraging by legislation the organization of those societies which of themselves constitute schools for the education of the people in this most indispensable branch of industry. While we would not be considered as favouring class legislation in any form yet we cannot refrain from advising that all the protection and encouragement should be given to their pursuits, which is not incompatible with the rights of others not inconsistent with the general welfare of the State, I am therefore authorized to return said bill to the Senate and recommend its passage.

The committee on Agriculture, to whom was referred a bill to incorporate the Texas Insurance and Saving Fund Company, have considered the same and authorize me to report said bill again to the Senate and recommend its passage.

Mr. Scarborough introduced a bill requiring the paymaster for the State troops on the Rio Grande to receive pay for arms and other necessary articles furnished by individuals. Read 1st and 2nd times and referred to the committee on the Judiciary.

ORDERS OF THE DAY.

A bill to apportion the State of Texas into Senatorial and Representative districts being the special order.

Mr. Throckmorton moved to lay on the table until to-morrow. Carried.

On motion of Mr. Potter a bill providing for the next election of Representatives to the Congress of the United States, was taken from the table and placed among the orders of the day to follow next in order, the apportionment bill.

The report of the committee on Internal Improvements, on a

bill to incorporate the Neches Navigation Company, recommending a substitute, was read.

Mr. Throckmorton moved to strike out all that part of the bill which gives a bonus of land. Carried by the following vote :

YEAS—Messrs. Chambers, Dickinson, Erath, Grimes, Harman, Hart, Martin, Paschal, Quinan, Scarborough, Schleicher, Sims, Stockdale, Throckmorton, Walker, Wallace and Whaley—17.

NAYS—Messrs. Blanch, Guinn, Herbert, Lott, Parsons, Pitts, Rains, Rainey, Shepard and Townes—11.

Mr. Paschal moved a reconsideration of the vote. Carried.

The bill was then on motion of Mr. Guinn recommitted to the committee on Internal Improvement.

On motion of Mr. Shepard the report of the committee on Agriculture on a bill to incorporate the Cotton and Woolen Manufacturing Company, was taken up. Substitute reported by the committee was adopted and ordered to be engrossed.

On motion of Mr. Shepard, the rule was suspended, bill read 3rd time and passed by the following vote :

YEAS—Messrs. Blanch, Chambers, Dickinson, Erath, Fall, Grimes, Guinn, Harman, Hart, Herbert, Hyde, Lott, Martin, Parsons, Paschal, Pitts, Potter, Quinan, Rainey, Schleicher, Shepard, Sims, Stockdale, Throckmorton, Townes, Walker and Whaley—28.

NAYS—none.

A bill regulating the duties of common carriers, and defining their liabilities on report of Judiciary committee, recommending a substitute. Read, substitute adopted.

Mr. Quinan moved the following amendment :

Insert between the words "business" and "unless" in 4th line 2nd section the words "without giving any preference to one over another." Adopted.

Mr. Stockdale offered the following amendment :

Insert after common law the following : except for losses by fire and piracy and robbery where there is no negligence on the part of the Carrier.

Some discussion being had thereon, Mr. Stockdale offered the following, having by leave of the Senate withdrawn the first amendment offered by him :

Insert after "common law" the following : except where losses occur by fire or piracy, at sea or upon water, where the carrier shall show that there was no negligence on his part or that of his servants engaged in the carriage. Lost.

Mr. Gentry offered the following amendment: *Provided* that nothing contained in this act shall be so construed as to

make Railroad Companies liable for loss, by fire or act of God, of freights whilst in their depots or warehouses or enclosures except it be from want of diligence by their employees or agents.

Mr. Stockdale offered the following as a substitute for Mr. Gentry's amendment: Insert after the word offered in line 2 section 2, "to the extent of their capacity safely to carry for the trip or voyage then pending."

Mr. Stockdale, by leave, withdrew his amendment.

Mr. Townes offered the following as a substitute for the amendment of Mr. Gentry: Provided that nothing contained in this act shall be so construed as to make Railroad Companies liable as common carriers except while goods, wares and other property are *in transitu* on their roads and up to their delivery at their points of destination to the consignees or in the warehouses of the companies. Accepted by Mr. Gentry.

The question recurring on the adoption of the amendment, was taken and lost by the following vote:

YEAS—Messrs. Blanch, Britton, Chambers, Dickinson, Gentry, Guinn, Hyde, Parsons, Paschal, Potter, Scarborough, Schleicher, Stockdale, Townes and Wallace—15.

NAYS—Messrs. Fall, Erath, Grimes, Harman, Hart, Herbert, Martin, Pitts, Quinan, Rains, Rainey, Shepard, Sims, Walker and Whaley—15.

The President voted nay.

Mr. Parsons offered the following amendment:

Provided that the provisions of this act shall apply to such common carriers as carry on railroads, and that the liabilities of all other common carriers shall remain and be regulated by the common law and the statutes now in force.

Mr. moved to refer the bill and amendments to the committee on the Judiciary. Carried.

A bill for the relief of George W. King. Amendments concurred in.

The following bills were severally read 1st and 2nd times and referred to the committee on Private Land Claims:

A bill for the relief of K. Bigham White.

A bill for the relief of the heirs of George W. Wilson.

A bill for the relief of the heirs of James T. White, dec'd.

A bill to amend the 24th section of an act passed 27th August, 1856; to consolidate in one act, and to amend the several acts incorporating the city of Galveston. Read 1st and 2nd times and referred to the committee on the Judiciary.

A bill granting land to the Lavaca Navigation Company.—Read 1st and 2nd times and referred to the committee on Internal Improvements.

A bill to incorporate the Lexington Male and Female Academy. Read 1st and 2nd times and referred to the committee on Education.

A bill for the relief of the widow and heirs of Lorenzo De Zavalla. Read 1st and 2nd times and referred to the committee on Claims and Accounts.

A bill to incorporate the San Antonio Gas Company. Read 1st time.

On motion of Mr. Paschal, rule suspended read 2nd time and passed to a 3rd reading. Rule further suspended, read 3rd time and passed by the following vote :

YEAS—Messrs. Blanch, Chambers, Dickinson, Erath, Fall, Gentry, Grimes, Guinn, Harman, Herbert, Hyde, Martin, Parsons, Paschal, Pitts, Potter, Rains, Rainey, Scarborough, Shepard, Sims, Throckmorton and Townes—23.

NAYS—none.

A bill to incorporate the Jacksonville and Neches Bridge Company. Read 1st time.

On motion of Mr. Guinn, the rule was suspended, bill read 2nd time and passed to a 3rd reading. Rule further suspended, bill read 3rd time and passed by the following vote :

YEAS—Messrs. Blanch, Chambers, Dickinson, Erath, Fall, Gentry, Grimes, Guinn, Harman, Hart, Herbert, Hyde, Martin, Parsons, Pitts, Potter, Rains, Rainey, Scarborough, Shepard, Sims, Throckmorton and Townes—23.

NAYS.—none.

On motion of Mr. Guinn, the Senate adjourned until 10 o'clock A. M., to-morrow.

TUESDAY, January 24th, 1860.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Dickinson presented the petition of

Mr. Schleicher presented the petition of Y. P. Allsbury for land and money. Referred to the committee on Claims and Accounts.

Mr. Paschal presented the petition of Samuel Everet for land. Referred to the committee on Private Land Claims.

Mr. Fall, chairman of the committee on Engrossed Bills, reported the following bills :